

REMARKS

Claims 1, 4-6, 8-10, 15, 16, 18, 19, 21 and 26-47 are all the claims pending in the application; claims 8 and 18 are withdrawn from consideration; claim 37 is allowed; claims 1, 4-6, 9, 10, 15, 16, 19, 21, 26-36 and 38-47 are rejected.

Upon entry of this amendment, claims 21, 26, 27, 32-34, 39-41 and 44-47 are cancelled.

Support for the amendment of the claims to define D as “1H-pyrazol-1-yl, 1H-pyrazol-3-yl or 1H-pyrazol-5-yl” may be found in the examples, such as all of the examples on pages 55-56 for D as 1H-pyrazol-1-yl; examples 3, 8, 9 on page 57 for D as 1H-pyrazol-3-yl; and examples 4-7 on page 57 for D as 1H-pyrazol-5-yl.

Support for the amendment of the claims to recite “1 to 2” substituents for D may be found at page 57, where there are 2 substituents used in examples 5-9.

No new matter has been added. Entry of this amendment is respectfully requested.

I. Claim Rejections Under 35 U.S.C. §112, first paragraph

At page 3 of the Office Action, claims 21, 26, 27, 32-34, 39-41 and 44-45 are rejected under 35 U.S.C. §112, first paragraph, as being non-enabled.

The Examiner states that while the specification is enabling for a method of treating rheumatoid arthritis and bronchial asthma, it is non-enabling for methods of treating a disease associated with calcium release-activated channels, a disease associated with IL-2 production, and allergic, inflammatory or autoimmune diseases.

While Applicants believe that the specification is enabling for a method of treating each of the diseases recited in the rejected claims, to further prosecution of this application, included herewith is an amendment canceling each of the rejected claims, thus making this rejection moot.

In view of the cancellation of the rejected claims, Applicants respectfully request reconsideration and withdrawal of this rejection.

II. Claim Rejections Under 35 U.S.C. §112, second paragraph

At page 9 of the Office Action, claims 1, 4-10, 15, 16, 18, 19, 21, 26-36 and 38-47 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

The Examiner states that in the definition of element A in the claims, “mono-, di- or tri-cyclic fused heteroaryl selected from” is recited. However, the Examiner states, there are no tricyclic heteroaryl groups included in the claims.

Included herewith is an amendment to the claims, canceling reference to tri-cyclic in the definition for element A in claims 1, 4, 10, 28 and 28.

In view of the amendment to the claims, Applicants respectfully assert that the claims are definite as amended, and therefore request reconsideration and withdrawal of this rejection.

III. Claim Rejections Under 35 U.S.C. §102

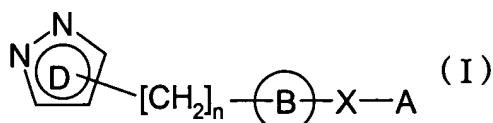
At page 9 of the Office Action, claims 1, 4-6, 9, 10, 15, 16, 19, 21 and 26-36 are rejected under 35 U.S.C. §102(e) as being anticipated by Betageri et al. (U.S. Patent No. 6,506,747).

The Examiner has maintained his rejection of the claims under 35 U.S.C. §102(e), again stating that the disclosure of the priority document date of October 13, 1997, does not support the full scope of the claimed invention. The Examiner points to specific elements (numbered 1-4 at pages 10 and 11 of the Office Action) as groups recited in the claims that are not supported in the priority document.

Because the Examiner was unable to find support in the priority document for noted claim elements, the Examiner has not accorded the priority date of October 13, 1997, to the

pending claims, and thus continues to conclude that Betageri et al. may properly serve as prior art against the claims.

Applicants include the following chart that provides a detailed analysis of the location of support for each of the elements in the pending claims, in the priority application.



	Pending Claim	Representative Examples in the Priority Document
D	<p>1H-pyrazol-1-yl, 1H-pyrazol-3-yl or 1H-pyrazol-5-yl,</p> <p>which may have 1 to 2 substituents selected from the group consisting of</p> <ul style="list-style-type: none"> -lower alkyl("Alk"), -lower alkenyl, -lower alkynyl, halogeno-lower alkyl-, -cycloalkyl, -O-Alk, -COO-Alk and 	<p>1H-pyrazol-1-yl: Ex. 117-123 in Table 20, page 97 1H-pyrazol-3-yl: Ex. 19, 76, 77, 79 in Table 13, page 91 1H-pyrazol-5-yl: Ex. 20, 75, 78, 80 in Table 13, page 91</p> <p>No. of substituents 0: Ex. 128 in Table 22, page 99 1: Ex. 76 in Table 13, page 91 2: Ex. 75 in Table 13, page 91</p> <p>‘... the substituents in the “heteroaryl group ... condensed”, page 25, line 8-5 from the bottom; Page 25, line 2 from the bottom - page 26, line 2:</p> <p>“lower alkyl which may be substituted ...” “lower alkenyl” “lower alkynyl” “lower alkyl which may be substituted with one or more halogen atoms” “cycloalkyl” “lower alkyl-O-” “lower alkyl-O-CO-”</p>

	<u>-halogen atom("Hal"),</u>	<u>"halogen atom"</u>
n	0	Correspond to "Y is a single bond"; Ex. 19, 20, 75-82 in Table 13, page 91
B	1,4-phenylene or thiophene-2,5-diyl,	Ex. 117-123 in Table 20, page 97 Ex. 19, 20, 75-82 in Table 13, page 91
X	$\cdot\text{NH}\text{-CO}\cdot$ or $\cdot\text{CO}\text{-NH}\cdot$,	Ex. 117-120 in Table 20, page 97 Ex. 19, 20, 75-82 in Table 13, page 91
A	<p>Aryl which may have one or more substituents of group F;</p> <p>mono- or di-cyclic fused heteroaryl</p> <p>selected from the group consisting of thienyl, furanyl, pyrrolyl, imidazolyl, pyrazolyl, thiazolyl, isothiazolyl, oxazolyl, isoxazolyl, tetrazolyl, triazolyl, thiadiazolyl, pyridyl, pyrazinyl, pyrimidinyl, pyridazinyl, indolyl, isoindolyl,</p>	<p>"an aryl group which may be substituted", Page 21, line 5 No. of substituents 0: Ex. 93 in Table 17, page 94 1: Ex. 92 in Table 17, page 94 2: Ex. 91 in Table 17, page 94</p> <p>"a heteroaryl group which may be substituted and which may be condensed", Page 21, line 6-7</p> <p>page 24, line 2 page 24, line 2 "furyl" page 24, line 2 page 24, line 3 page 24, line 4 "isooxazolyl" page 24, line 5 page 24, line 4 page 24, line 4 page 24, line 5 page 24, line 5 page 24, line 6 page 24, line 5 page 24, line 5 page 24, line 5 page 24, line 13 page 24, line 15</p>

	<p>isoquinolyl, quinolyl, quinoxanyl, phthalazinyl, imidazo[1,2-a]pyridyl, quinazolinyl and cinnolinyl which may have one or more substituents of group F;</p> <p>cycloalkyl; or Alk,</p>	<p>page 24, line 15 page 24, line 15 page 24, line 17 page 24, line 17 page 24, line 20 "...pyridinyl" page 24, line 15 page 24, line 17 "... the substituents in the "aryl group", ...and the "heteroaryl group", page 25 line 8-5 from the bottom <i>namely, same substituent(s) can be applied as aryl group</i> "cycloalkyl", Page 21, line 7 "lower alkyl", Page 21, line 7-8</p>
F group	<p>-Alk, -lower alkenyl, -lower alkynyl, -Hal, -NH₂, -NH(Alk), -N(Alk)₂, -NO₂, -CN, -OH, -O-Alk, -O-CO-Alk, -SH, -S-Alk, -COO-Alk, -CO-Alk, -CONH₂, -CONH(Alk), -CON(Alk)₂,</p>	<p>page 25, line 1 from the bottom "lower alkyl which may be substituted ..." page 26, line 1 page 26, line 1 page 25, line 2 from the bottom "halogen atom" page 26, line 3 "amino" page 26, line 3 "mono-lower alkyl- amino" page 26, line 3 "di-lower alkyl- amino" page 26, line 2 "nitro" page 26, line 2 "cyano" page 25, line 2 from the bottom "hydroxyl group" page 26, line 2 "lower alkyl-O-" page 26, line 4 "lower alkyl-CO-O-" page 26, line 4 "mercapto" page 26, line 5 "lower alkyl-thio" page 26, line 2 "lower alkyl-O-CO-" page 26, line 3-4 "lower alkyl-CO-" page 26, line 6 "carbamoyl" page 26, line 6-7 "mono-lower alkyl- amino-CO-" page 26, line 7 "di-lower alkyl-</p>

	<ul style="list-style-type: none">·SO-Alk,·SO₂Alk, and·SO₂NH₂	<ul style="list-style-type: none">amino-CO-“page 26, line 5 “lower alkyl-sulfinyl”page 26, line 5-6 “lower alkyl-sulfonyl”page 26, line 6 “aminosulfonyl”
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As to the particular points raised by the Examiner on page 10 of the Office Action, Applicants provide the following comments as to location of specific support for these elements in the priority document.

1. The Examiner states “A is defined to be a ‘tri-cyclic fused heteroaryl’ in the instant claims”, but that the priority document does not support ‘tri-cyclic fused heteroaryl.’

As discussed above, the claims have been amended to cancel recitation of tri-cyclic fused heteroaryls from the definition of element A. Thus, support for ‘tri-cyclic fused heteroaryl’ in the priority document is no longer required.

2. The Examiner notes that in the structural formula (I) of the pending claims, the pyrazole ring D may be attached to ring B though any of the ring members 1-5. The Examiner states that the priority document does not provide any disclosure regarding compounds where D is pyrazol-4-yl.

Included herewith are amendments to claims 1, 4, 5, 10, 15, 28, 29, 35 and 36, where the pyrazole is recited as “1H-pyrazol-1-yl, 1H-pyrazol-3-yl or 1H-pyrazol-5-yl.” Each of these three types of pyrazol are actual examples in the priority document:

1H-pyrazol-1-yl: Ex. 117-123 in Table 20, page 97

1H-pyrazol-3-yl: Ex. 19, 76, 77, 79 in Table 13, page 91

1H-pyrazol-5-yl: Ex. 20, 75, 78, 80 in Table 13, page 91.

3. The Examiner notes that in the structural formula (I) of the pending claims, the pyrazole ring D is defined as ‘pyrazolyl which may have 1 to 3 substituents.’ The Examiner states that the priority document does not provide any disclosure wherein the pyrazolyl is substituted by three substituents.

Included herewith are amendments to claims 1, 4, 10, 28, 29, 35 and 36, where the pyrazole ring D now recites “1 to 2 substituents” in place of “1 to 3 substituents.”

4. The Examiner notes that in the definition of A in the pending claims, the aryl and heteroaryl groups are recited to contain “one or more substituents.” The Examiner states that all of the compounds disclosed in the priority document have at most one substituent.

Applicants respectfully note that a compound which has two substituents on element A is shown as Ex.91, on page 94 of the priority document. As shown in this example, element A has good acceptability of certain rings and substituents thereon.

In view of the detailed analysis of support for the pending claims in the priority document included herein, Applicants respectfully assert that each element of the amended claims is supported by the priority document and thus Applicants request the Examiner to accord the priority date of October 13, 1997, to each of the pending claims. As each element of the pending claims is supported by the priority document, Betageri et al. may not serve as legally-effective prior art against the claims. Thus, Betageri et al. may not serve as a basis from which to reject the amended claims under 35 U.S.C. §102. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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